IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/08/2003

CORAM

THE HONOURABLE MR.JUSTICE M. CHOCKALINGAM

CRL.O.P.NO.27706 OF 2002
AND
CRL.M.P.NO.11478 OF 2002

1. P. Christoper Raj
2. Rajaiyan
3. Wilson .. Petitioners

-Vs-

The Sub Inspector of Police
Kaliakavilai Police Station
Kanyakumari District .. Respondent

This petition is preferred under section 407(1) of Cr.P.C. to transfer the case in C.C.No.277 of 2001 from the file of the learned Judicial Magistrate No.1, Kuzhithurai Kanyakumari District to the file of the learned Judicial Magistrate No.1, Valliyur in Tirunelveli District.

For Petitioners : Mr.P.Selvaraj

For Respondent : Mr.A.N.Thambidurai, GA

:ORDER

This original petition has been filed by the petitioners seeking transfer of a case in C.C.No.277 of 2001 on the file of the learned Judicial Magistrate No.1, Kazhithurai, Kanyakumari District to the file of the learned Judicial Magistrate, No.1, Valliyur in Tirunelveli District.

2. As could be seen from the averments made in this petition, certain allegations are made against the Judicial Magistrate, No.1, Kuzhithurai that he issued Non Bailable Warrant against the petitioners. Because of the influence of one Bakthavatchalam, the said Magistrate took action against the sureties also on 6.9.2002 without waiting for recalling of warrant. Hence, there arose an apprehension in the mind of the petitioners that it is not worthwhile to further continue the case in that Court.

3. Now, it is brought to the notice of the Court by the prosecution that the Judicial Magistrate, No.1, Kuzhithurai, who was functioning in September, 2002 and against whom the allegations are found in the averments in the petition, has been transferred and new officer has assumed charge. This fact is also admitted by the learned counsel for the petitioners. Under the

stated circumstances, this Court is of the view that since the Officer against whom allegations were made has been transferred, nothing survives in the original petition. Hence, this petition is dismissed. Consequently, connected Crl.M.P. is also dismissed.

Index : Yes
Internet : Yes
vvk

To
The Judicial Magistrate No.1
Kuzhithurai, Kanyakumari District